



VIETNAM COUNTRY REPORT

April 2005

**Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

CONTENTS	
<u>1. Scope of Document</u>	1.1 - 1.12
<u>2. Geography</u>	2.1 - 2.2
Population	2.3 - 2.4
Languages	2.5 - 2.7
<u>3. Economy</u>	3.1 - 3.4
Official Corruption	3.5 - 3.9
Land Use	3.10 - 3.11
<u>4. History</u>	4.1 - 4.5
<u>5. State Structures</u>	
The Constitution	5.1 - 5.2
Citizenship and Nationality	5.3 - 5.4
Political System	5.5 - 5.7
National Assembly Elections, May 2002	5.8 - 5.9
Judiciary	5.10 - 5.12
Legal Rights / Detention	5.13 - 5.15
Death Penalty	5.16 - 5.18
Internal Security	5.19 - 5.21
Prisons and Prison Conditions	5.22 - 5.26
The Military	5.27 - 5.28
Conscientious Objectors and Deserters	5.29 - 5.32
Medical Services	5.33 - 5.38
Mental Health	5.39
People with Disabilities	5.40 - 5.41
HIV / AIDS	5.42 - 5.44
Tuberculosis (TB)	5.45
Educational System	5.46 - 5.49
<u>6. Human Rights</u>	
<u>6.A Human Rights Issues</u>	
General	6.1 - 6.4
Freedom of Speech and the Media	6.5 - 6.9
Journalists	6.10 - 6.11
Freedom of Religion	6.12 - 6.18
Religious Groups	
Buddhists	6.19 - 6.21
Hoa Hao	6.22 - 6.25
Catholics	6.26 - 6.28
Protestants	6.29 - 6.32
Cao Dai	6.33 - 6.35
Muslims	6.36 - 6.37
Ching Hai	6.38 - 6.40
Freedom of Assembly & Association	6.41 - 6.42
Political Activists	6.43 - 6.47
Employment Rights	6.48
Child Labour	6.49
People Trafficking	6.50 - 6.54
Freedom of Movement	
Household Registration (Ho Khau)	6.55 - 6.59
Identity Cards	6.60 - 6.61
Passports	6.62 - 6.69
Returnees	6.70 - 6.73
<u>6.B Human Rights - Specific Groups</u>	
Ethnic Groups	6.74 - 6.77
Chinese (Hoa)	6.78 - 6.81
Hmong	6.82
Montagnards	6.83 - 6.90

Others	6.91
Women	6.92 - 6.95
Children	6.96 - 6.97
Family Planning	6.98
Childcare Arrangements	6.99 - 6.105
Homosexuals	6.106 - 6.107
6.C Human Rights - Other Issues	
Refugees	6.108 - 6.109
Annexes	
Chronology of Major Events	Annex A
Political Organisations	Annex B
Prominent People	Annex C
List of Source Material	Annex D

1. Scope of Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 March 2005.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is

actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

Country Information & Policy Unit
Home Office
Apollo House
36 Wellesley Road
Croydon CR9 3RR

Email: CIPU@homeoffice.gsi.gov.uk

Website: http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information.html?

Advisory Panel on Country Information

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information

PO Box 1539

Croydon CR9 3WR

Email apci@homeoffice.gsi.gov.uk

Website www.apci.org.uk

2. Geography

2.1 As noted by Europa Regional Surveys of the World: The Far East and Australasia 2005, "The Socialist Republic of Viet Nam covers a total area of 329,247 sq km (127,123 sq miles) and lies along the western shore of the South China Sea, bordered by the People's Republic of China to the north, by Laos to the west and by Cambodia to the south-west." [1](p1171) [4b](Map)

2.2 As recorded by the website of the Vietnam National Administration of Tourism, accessed on 1 February 2005, "For administration, Vietnam is divided into three regions: the North, the Center and the South; it composes 64 provinces and cities." [17d]

Population

2.3 In its Country Profile on Vietnam, updated on 8 January 2005, BBC News Online noted that a UN estimate in 2004 put the total population of

Vietnam at 82.5 million, with life expectancy of 67 years for men and 71 years for women. [14a](p2)

2.4 As recorded by Europa 2005, while the capital of Vietnam is Hanoi, with a population of 3,977,202, Ho Chi Minh City (HCMC) is the largest town in the country, with a population of 4,850,717. [1](p1171)

Languages

2.5 As recorded by Ethnologue.com, a website specialising in languages of the world, accessed on 1 February 2005, while the official language of the country is Vietnamese, there are another 92 languages in use. [24](p1)

2.6 The same source noted that in 1993 it was estimated that 86.7% of the population spoke Vietnamese, split into three dialects (Northern, Central and Southern). [24](p14) Europa 2005 noted that "Vietnamese, who are ethnically related to the southern Chinese, form 80% of the population." [1](p1171) (See also Section 6.B: [Ethnic Groups](#))

2.7 For further information on geography, refer to Europa Regional Surveys of the World: The Far East and Australasia 2005 (36th edition). [1]

[\[Back to contents\]](#)

3. Economy

3.1 The CIA World Factbook 2004, accessed in February 2005, recorded that "Vietnam is a poor, densely-populated country that has had to recover from the ravages of war, the loss of financial support from the old Soviet Bloc, and the rigidities of a centrally-planned economy. Substantial progress was achieved from 1986 to 1996 in moving forward from an extremely low starting point - growth averaged around 9% per year from 1993 to 1997." The same source stated further that "Since the Party elected new leadership in 2001, Vietnamese authorities have reaffirmed their commitment to economic liberalization and have moved to implement the structural reforms needed to modernize the economy and to produce more competitive, export-driven industries." [4a](p6)

3.2 As noted by the Economist Intelligence Unit's (EIU) Country Report for Vietnam in January 2005,

"Foreign donors have praised the government's growth and pro-poor policies... GDP growth has been robust, supported by widespread industrial expansion. Unemployment has fallen slightly. Month-on-month inflation has eased... Domestic and foreign tourism has continued to expand... Exports have maintained strong growth momentum, rising at a faster pace than imports. Vietnam has

concluded bilateral negotiations with the EU and Singapore in relation to its accession to the World Trade Organisation. Foreign direct investment commitments have grown, and donors have pledged a record level of aid." [15a](p3)

3.3 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, noted that

"In the last 10 years, overall poverty levels decreased significantly; as of 2003, approximately 26 percent of the population lived below the poverty line. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced CPV [Communist Party of Vietnam] and government control over, and intrusion into, citizens' daily lives; however, many citizens in isolated rural areas, including members of ethnic minorities in the Northwest Highlands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income and development gap between urban and rural areas and within urban areas. Unemployment and underemployment remained significant problems." [2a](p1)

3.4 The EIU's Country Profile for Vietnam in 2004 noted that the currency of Vietnam is the Dong (D), and that the exchange rate on 27 August 2004 was D15,249: US\$1. [15b](p3)

Official Corruption

3.5 According to the NGO Transparency International (TI) in its Corruption Perceptions Index 2004, Vietnam ranked at 102 out of 145 countries, based on the perceptions of business people and country analysts, both resident and non-resident, regarding levels of corruption throughout the world. Vietnam scored 2.6 out of ten (ten representing zero perception of corruption). [26](p3&5)

3.6 In January 2005, the EIU noted that

"In an effort to shore up public confidence, Mr Manh [the Communist Party's General Secretary] has championed a tough anti-corruption stance over the past few years. Mr Khai [the Prime Minister] is also displaying greater mettle in dealing with corrupt government officials. Most recently a scandal centring on alleged cash for export quotas in the garment manufacturing industry has resulted in the recent arrest of a number of Ministry of Trade officials, including the deputy trade minister, Mai Van Dau." [15a](p7)

3.7 The same report stated further that

"In late October [2004] Mr Khai announced plans to establish an anti-corruption agency that will be given the task of investigating cases of suspected corruption throughout the country. Although this development is welcome, there remains some scepticism over whether

such investigations will be extensive and fully impartial. A recent investigation into alleged corruption in the state-owned Vietnam Post and Telecommunications Corporation found no evidence of wrongdoing. The National Assembly (the legislature) is also becoming more assertive, ensuring that government ministers will be increasingly held to account for their performances. During the most recent session of the assembly, a number of ministers, including Mr Khai, were questioned." [15a](p7)

3.8 In its Country Profile on Vietnam, updated on 1 September 2004, the Foreign & Commonwealth Office (FCO) recorded that

"There is increasing concern in the Communist Party about the level of corruption in Vietnam, and how this could affect the image of the Party. As part of a major crackdown, a number of senior government officials and policemen were put on trial in early February 2003. This trial was linked to an underground gangster called Nam Cam, who allegedly bribed public officials. Nam Cam was sentenced to death, but some of the senior government officials received relatively light sentences. As the first corruption trial of its kind in Vietnam it was seen as a test of the Vietnamese authorities' sincerity in combating corruption." [8a](p3)

3.9 The EIU's Country Profile for Vietnam in 2004 stated that

"In May 2004 the National Assembly fired the then minister of agriculture and rural development, Le Huy Ngo, for allowing a swindle in a ministry-supervised firm. In December 2003 the firm's director, La Thi Kim Oanh, was sentenced to death for misappropriating US\$4.7m, and two former deputy ministers were sent to jail. The message is clear: senior officials have been put on notice that they are not beyond the reach of the law. Despite such moves, however, Vietnam still scores poorly in international comparisons of corruption." [15b](p7)

Land Use

3.10 As recorded by the USSD Report 2004, "During the course of the year [2004], peaceful small protests of farmers demanding redress for land rights issues frequently took place in front of government buildings in Hanoi. Police monitored these protests but did not disrupt them." [2a](section 2b)

3.11 The website of UN Volunteers, accessed on 2 February 2005, stated that in November 2003 the National Assembly passed a revised Land Law, which for the first time required Land Use Certificates to bear the names of both husband and wife if the land belongs to both of them. [16]

[\[Back to contents\]](#)

4. History

4.1 In its Country Profile on Vietnam, updated on 1 September 2004, the Foreign & Commonwealth Office (FCO) recorded that in 1954 Vietnam was divided into the communist north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). The same source noted that as the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national re-unification, the south became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. [8a](p2) BBC News Online stated on 23 October 2004 that 1957 marked the beginning of the communist insurgency in the south and that the US entered the war in 1964. [14b](p1)

4.2 The FCO recorded in September 2004 that the numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began in 1969 because of the growing domestic unpopularity of the war in the USA and a lack of military success. [8a](p2) BBC News Online noted in October 2004 that the troop withdrawal was completed in March 1973. [14b](p2) As recorded by the FCO in September 2004, although the US and the North Vietnamese reached a peace agreement in 1973, the civil war continued and a North Vietnamese invasion two years later led to the rapid collapse of the South Vietnamese regime. Subsequently, the country was formally re-unified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. [8a](p2)

4.3 The FCO also noted that national re-unification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border provocations Vietnam invaded Cambodia in December 1978 and in January 1979 installed a friendly regime in the capital, Phnom Penh. The FCO noted further that as conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international and economic isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms in the south, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. [8a](p2)

4.4 The same source stated that declining Soviet support and increasing economic problems led to the withdrawal of the Vietnamese army from Cambodia, which was completed in 1989. Following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the United States in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). [8a](p2)

4.5 For history prior to 1954, refer to Europa Regional Surveys of the World: The Far East and Australasia 2005 (36th edition). [1]

[\[Back to contents\]](#)

5. State Structures

The Constitution

5.1 As noted by Europa Regional Surveys of the World: The Far East and Australasia 2005, on 15 April 1992 the National Assembly adopted a new Constitution, a revised version of that adopted in December 1980. [1](p1208) According to Article 4 of the Constitution, "The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society." [17a]

5.2 A citizen's rights and duties are defined under Articles 50 to 80 of the 1992 Constitution. Regarding the fundamental rights of the citizen, Article 50 claims that "In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law." [17a]

Citizenship and Nationality

5.3 According to Article 49 of the 1992 Constitution, "A citizen of the Socialist Republic of Vietnam is a person with Vietnamese nationality." [17a] On 10 February 2004, the Canadian Immigration and Refugee Board (IRB) recorded that "According to an official translation of the Law on Vietnamese Nationality, enacted in January 1999, the government 'creates conditions for all children born on the Vietnamese territory to have nationality' (Viet Nam Jan. 1999, Art. 8)." [6i]

5.4 The same report stated that "Article 1 of the Law acknowledges 'members of all ethnic groups are equal in their right to have ... Vietnamese nationality' (ibid., Art. 1)." The report stated further that

"Moreover, while Vietnam does not recognize dual nationality (ibid., Art. 3), Article 6 stipulates that it is the state's responsibility to 'create favourable conditions' for individuals who have lost their nationality to regain it (ibid., Art. 6). A person may prove their Vietnamese nationality by providing the following papers:

1. A certificate of Vietnamese nationality; a decision on naturalization in Vietnam, a decision on Vietnamese nationality restoration, a Vietnamese identity card or passport;
2. His/her birth certificate enclosed with papers proving the Vietnamese nationality of his/her parents, in case of the absence of the papers defined in Point 1 of this Article;
3. Other papers prescribed by the Government (ibid., Art. 11)." [6i]

Political System

5.5 In its Country Profile on Vietnam, updated on 1 September 2004, the Foreign & Commonwealth Office (FCO) noted that

" Vietnam is a one party state where the Politburo and Central Committee of the Communist Party of Vietnam (CPV) decide major policy issues, which are then implemented by the Government. Despite the lack of freedom to organise opposition parties, there is no sign of widespread popular opposition to the regime. This is partly because the CPV still enjoys much nationalist support for its successes in defeating Vietnam's French colonialist rulers, resisting American intervention, re-unifying the country opposing Chinese encroachment and, most importantly, creating and maintaining peace and stability." [8a](p2]

5.6 The FCO noted that "The political hierarchy is headed by a triumvirate: the CPV General Secretary: Nong Duc Manh, the President: Tran Duc Luong, and the Prime Minister: Phan Van Khai." [8a](p1] It also recorded that

"The main legislative body in Vietnam is the National Assembly, which convenes biannually. In recent years it has developed from little more than a rubber stamping body to one which increasingly scrutinises government policy and holds ministers accountable for their performance. The number of full-time deputies is increasing, Committees are increasingly involved in drafting legislation, and Ministers submit to deputies' questioning. Yet the National Assembly still lacks an active role in the wider policy/strategy issues." [8a](p3]

5.7 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, also noted the positive developments, stating that "In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction; however, the Government continued to strengthen the capacity of the National Assembly." [2a](p1)

National Assembly Elections, May 2002

5.8 The same source continued,

"The National Assembly members were chosen in May 2002 elections in which candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group for the country's mass organizations. Approximately 90 percent of elected delegates were CPV members. The National Assembly continued to play an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency and made progress in improving transparency in the legal and regulatory systems." [2a](p1)

5.9 As recorded by the FCO in September 2004,

"Elections to the National Assembly take place every five years; the last elections were held in May 2002. Voters chose from 762 candidates for 498 seats - an increase of 50 seats since the last election. According to official figures, over 99% of the nearly 50 million strong electorate turned out to vote. The build up to these elections highlighted the continued evolution of the National Assembly as, for the first time, candidates were required to declare their assets and answer questions regarding their declarations from their prospective constituents. Non-Communist party members won 51 seats, and women won 136 seats. In July 2002, the new deputies re-elected the National Assembly Chairman [Nguyen Van An] and the Prime Minister [Phan Van Khai]." [8a](p3)

Judiciary

5.10 The USSD Report 2004 recorded that "The Constitution provides for the independence of judges and lay assessors; however, in practice, the CPV controls the courts closely at all levels, selecting judges, at least in part, for their political reliability." The report stated further that "The judiciary consists of the SPC [Supreme People's Court]; the district and provincial people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law." [2a](section 1e) The report also noted that

"The Supreme People's Procuracy brings charges against an accused and serves as prosecutor during trials. Under revisions to the Criminal Procedures Code, which took effect in July [2004], courtroom procedures were to change from an 'investigative' system--in which the judge leads the questioning--to an 'adversarial' system--in which prosecutors and defense lawyers advocate for their respective sides. This was intended to provide more protections for defendants and to prevent judges from coercing defendants into confessing guilt. The extent to which this change has been implemented in practice was not known at year's end. Although the Constitution provides that citizens are innocent until proven guilty, some lawyers complained that judges generally presumed guilt." [2a](section 1e)

5.11 The same source reported further that

"Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the U.N. Development Program (UNDP) provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress." [2a](section 1e)

5.12 In November 2003, the National Assembly passed a new Criminal Procedures Code which, according to Ha Manh Tri, Chairman of the Supreme

People's Procuracy in January 2004, defined more clearly the role of the different bodies involved in trying a case. [27](p23)

Legal Rights / Detention

5.13 As noted by the French-based NGO, Que Me: Action for Democracy in Vietnam, in September 2002, Article 72 of the Vietnamese Constitution asserts that nobody can be detained without due process of law, but Decree 31/CP (adopted in 1997) allows the local Security Police to arrest and detain people in the interests of national security for up to 2 years without a court order. [20](p4) The USSD Report 2004 stated that

"Amendments to the Criminal Code that took effect in July [2004] grant defense lawyers access to their clients from the time of detention. During the investigative period, the amended code provides that defense lawyers be informed of interrogations and be able to attend them and be given access to case files and be permitted to make copies of documents in it. It was not yet clear whether this was respected in practice. In national security cases, defense lawyers are granted access to clients only after an investigation has ended. Although the Constitution provides for legal counsel for all persons accused of criminal offenses, a scarcity of trained lawyers made this provision difficult to implement. Counsel generally was provided only to those charged with crimes that could lead to life imprisonment or the death penalty. Prior to being formally charged, a detainee has a statutory right to notify family members, and, in most cases, police informed the family of the detainee's whereabouts. Family members may visit a detainee only with the permission of the investigator. Prior to July [2004], the MPS usually prohibited contact between detainees and their lawyer while the procurator's office was investigating."
[2a](section 1d)

5.14 The same report stated that "The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens for the peaceful expression of their political and religious views." [2a](section 1d) The report also noted that

"Courts may sentence persons to administrative detention of up to 5 years after completion of a sentence. In addition, according to Article 22 of the revised Ordinance on Administrative Violations, police or mass organizations can propose that five 'administrative measures' be imposed by people's committee chairpersons at local, district, and provincial levels without a trial. These measures include terms ranging from 6 months to 2 years in either juvenile reformatories or adult detention centers and were generally applied to repeat offenders with a record of minor offenses such as petty theft or 'humiliating other persons.' People's committee chairpersons can also impose terms of 'administrative probation' as defined by Decree 31/CP of 1997. This generally has been some form of house arrest." (2a)(section 1d)

5.15 Regarding arrest warrants, the British Embassy in Hanoi stated in March 2004 that "The warrant is read out before the accused who may inspect it but not keep it or retain copies." [8b]

Death Penalty

5.16 Amnesty International's Annual Report 2004 (covering events from January-December 2003) recorded that

"Despite a small reduction in the number of capital offences on the statute books in recent years and the commutations by the President of several death sentences, 2003 witnessed a dramatic rise in the reported imposition of the death penalty in Viet Nam, particularly for drugs-related offences and economic crimes. Twenty-nine offences in the Criminal Code still carry the death penalty. According to information collated from official sources, 103 people were sentenced to death in 2003; 63 were convicted of drugs-related charges and four women of fraud. There were reports that 64 were executed, many in public; the true figures were believed to be much higher." [3a](p2)

5.17 In September 2004, the FCO confirmed that "The death penalty is still widely used. 29 different offences, including non-violent ones, are capital crimes. It is estimated that more than 60 people were executed in 2003, double that of 2002. On 5 January 2004, the Prime Minister of Vietnam decided to make death penalty statistics 'state secrets'." [8a](p9-10)

5.18 On 14 January 2005, Radio Australia reported that, "Five people have been executed this year [2005] in Vietnam. Last year [2004], at least 115 people were sentenced to death and 82 were executed by firing squad." The report did not disclose the source for these statistics. [30]

Internal Security

5.19 The USSD Report 2004 recorded that "Internal security primarily is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military is the primary government agency and provides infrastructure and all public safety functions, including maintaining public order in the event of civil unrest." [2a](p1) The same report also noted that

"The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less pervasive in its intrusion into most citizens' daily lives. While the civilian authorities generally maintained effective control of the security forces, there were reports that elements of the security forces acted independent of government authority. Members of the

public security forces committed numerous human rights abuses."
[2a](p1)

5.20 A report by the Canadian IRB on 5 November 2002 stated that "Vowing to 'root out and punish its own corrupt cops,' the Ministry of Public Security in Vietnam was reported to have acknowledged that members of its force, as well as local police, were 'covering up and protecting underworld vice' (DPA 13 July 2001). According to figures quoted in a Deutsche Presse-Agentur article, corrupt police officers could account for one-third of the Ministry's police force (ibid.)." [6g] (See also Section 3, Economy: [Official Corruption](#))

5.21 The same report stated further that

"Referring to a case in which police 'severely' beat a motorcyclist over a 'minor traffic offence,' an August 2002 Agence France Presse article stated that 'often, communist Vietnam's notoriously corrupt police demand bribes as an alternative to a formal booking' (14 Aug. 2002). The same article goes on to report that 'police in Vietnam are widely despised for their routine abuse of power' and that businesses are frequently required to pay police 'protection money' or be forced out of business for 'perceived offences' (ibid.)." [6g]

Prisons and Prison Conditions

5.22 The USSD Report 2004 recorded that

"Prison conditions reportedly often were harsh, but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons. Most prisoners had access to basic health care... During the year, visits by select diplomatic observers revealed Spartan, but generally acceptable conditions in at least two prisons. Men and women were housed separately. Juveniles were housed separately from adult populations."
[2a](section 1c)

5.23 As recorded by Amnesty International's Annual Report 2004 (covering events from January-December 2003), "Many of those awaiting sentence or already in prison were elderly men. AI's criticism of Viet Nam's treatment of elderly prisoners of conscience provoked a furious and defensive public response from the government." [3a](p2) The USSD Report 2004 stated that "Prisoners, including those held for political reasons, were reportedly moved arbitrarily to solitary confinement, where they were deprived of reading and writing materials, for periods of up to several months." [2a](section 1c)

5.24 Regarding pretrial detainees, the same source noted that

"Pretrial detainees were generally held separately from convicted prisoners and were denied visits from family members, though relatives could provide them with money or certain supplies. Under revisions to the criminal procedures code that came into effect in July [2004],

pretrial detainees are allowed access to their lawyers from the point of detention; however, bureaucratic delays frequently limited initial contact between detainees and their lawyers, and some detainees particularly political activists--were not permitted regular access by lawyers until shortly before their trials." [2a](section 1c)

5.25 The same report also stated that

"Unlike in previous years, prisoners sentenced to hard labor did not complain that their diet and medical care were insufficient to sustain good health. Although political and religious prisoners often were held under harsh conditions, there was no evidence to suggest their conditions were significantly different than those for the regular prison population. During the year, the Government permitted selected diplomatic observers to visit prisons; however, the Government did not allow the International Committee of the Red Cross to visit prisoners." [2a](section 1c)

5.26 As recorded by the FCO in September 2004, "Estimates of the number of people imprisoned for the peaceful expression of their beliefs (including religious) range from 30 to several hundred. There have been regular prisoner amnesties since the autumn of 1998 which has led to the release of over 20,000 prisoners, some prisoners of conscience among them." [8a](p9) On 17 February 2005, Amnesty International (AI) reported that on 2 February 2005 over 8,000 prisoners were released, some prisoners of conscience among them, as part of an amnesty to mark Tet, the Lunar New Year. [3d]

Military Service

5.27 Europa 2005 recorded that "In August 2003 the total strength of the armed forces was an estimated 484,000: army 412,000; navy 42,000; air force 30,000. Men are subject to a two-year minimum term of compulsory military service between 18 and 35 years of age." [1](p1219)

5.28 War Resisters International (WRI) noted in March 1998 that "Women with special qualifications and skills, while not liable to conscription, must register with the reserve forces and may be called up for training... Reservist obligations apply until the age of 45 in the case of men, and until the age of 40 in the case of women." The same source noted that "Exemption is possible for medical reasons, domestic reasons and in the case of convicted criminals... In order to meet the recruitment targets, men with criminal records, who should have been exempt from service, have apparently been called up." [19]

Conscientious Objectors and Deserters

5.29 WRI recorded in March 1998 that "The right to conscientious objection is not legally recognized and there are no provisions for substitute service... Under art. 69 of the Law on Military Service, as amended in 1990, draft

evasion and desertion are punishable by disciplinary and administrative measures... It is not clear how far draft evasion and desertion are in practice monitored and penalized." [19]

5.30 According to the Vietnamese Criminal Code, passed by the National Assembly on 21 December 1999 (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), those who evade their duties shall be subject to non-custodial reform for up to three years or between three months' and three years' imprisonment, or, if the offence caused serious consequences, between two and ten years' imprisonment (Article 326). [17e]

5.31 The same source stated that those who desert the army, having already been disciplined for such an act previously, or who cause serious consequences in doing so, or who do so in time of war, shall be subject to non-custodial reform for up to three years or between six months' and five years' imprisonment, or, if the offence caused very serious consequences, between three and twelve years' imprisonment (Article 325). [17e]

5.32 The Criminal Code also stated that the death penalty may be imposed upon those who disobeyed orders (Article 316), surrendered to the enemy in the course of combat (Article 322), or destroyed military weapons/technical means without authorisation (Article 334), if the offence caused particularly serious consequences. [17e]

Medical Services

5.33 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2004 stated that

"Healthcare provision is relatively good, as measured by such indicators as life expectancy, infant mortality and the number of doctors per head of population... However, in the late 1980s a number of factors began adversely to affect the quality of healthcare. These included reform-linked factors, budgetary constraints, the shift of responsibility to the provinces and the introduction of charges. By 2001 government spending on healthcare amounted to just 1.5% of GDP, and more than two-thirds of healthcare spending was privately funded. The shortage of funds has meant that improvements in water supply and sewerage systems have been slow in coming. These inadequacies are largely responsible for the most common infectious diseases such as malaria, dengue fever, typhoid and cholera." [15b](p18)

5.34 The same report stated further that

"National statistics indicate that there has been a steady decline in the number of nurses and midwives, and in the number of hospital beds per head of population. There is particular concern about the health of people living in the poorer provinces, where malnutrition, though falling, is still common. As an indication of the lack of improvement in primary

healthcare, the infant mortality rate is no longer falling and life expectancy at birth has stagnated." [15b](p18)

5.35 The World Health Organisation's (WHO) Country Health Information Profile on Vietnam, accessed on 4 February 2005, recorded that "The ratio of doctors to population in 2000 was 5.29 doctors per 10 000 population and 5.78 nurses per 10 000 population." [11a](p4) It also noted that

"Health care in Viet Nam is provided partly through a state-run network of health facilities at central, provincial, district and commune level. At the central level, the management is provided by the Ministry of Health; at the province and district levels, by the Provincial Health Bureaus and the District Health Centres. At the commune level there may be some involvement from the district level; some have no management apart from the staff of the commune health station." [11a](p2)

5.36 Regarding private health care, the same source noted that

"It has been known for a long time that many people seek health care outside the government sector. This was and is provided partially through traditional healers, pharmacists, licensed and unlicensed drug sellers, and partly through redundant assistant physicians, and through government health workers providing private services away from government facilities (occasionally also during official working hours at state-run hospitals). During the past few years, this unofficial practice has been made legitimate. Health workers have been permitted to open clinics and government health workers have been allowed to work in private clinics after their normal working day. There is still some government control over the charges which can be levied." [11a](p2)

5.37 The same source noted further that "There is no evidence that the private sector is currently challenging the state sector to improve standards of care by providing competition. Instead, serious concerns are expressed about the ready availability of potentially dangerous drugs and about the lack of control over the health care provided." [11a](p2)

5.38 According to the website of the Vietnamese Embassy in the United States, accessed on 4 February 2005, "In the face of economic difficulties, the Vietnamese Government has decided to increase the number of the beneficiaries of free medical charges for poor households and those in mountainous areas, to enhance malaria control, to extend the aid to purchase medical insurance for poor families, war invalids and soldiers. The State has attached great importance to primary health care for the community." [17b]

Mental Health

5.39 The WHO's Project Atlas Country Profile for Vietnam (2002) noted that a mental health programme was one of the ten objectives listed in the National Health Programme of 1999. As recorded by the same source, in spite of a lack of mental health legislation, primary care is provided for

maintenance and rehabilitation, and community based mental healthcare is integrated in the primary healthcare system. It also stated that "The Government limits financing to those patients suffering from schizophrenia and epilepsy. For other mental disorders, the patients' families are required to pay for treatment." [11b]

People with Disabilities

5.40 The USSD Report 2004 noted that

"The law requires the State to protect the rights and encourage the employment of persons with disabilities; however, the provision of services to persons with disabilities was limited. Responsible government agencies worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The Government operated a small network of rehabilitation centers to provide long-term in-patient physical therapy." [2a](section 5)

5.41 The same report stated that "The law provides for preferential treatment for firms that recruit persons with disabilities for training or apprenticeship and for fines on firms that do not meet minimum quotes of 2 to 3 percent of their workforce for workers with disabilities; however, the Government enforced these provisions unevenly." [2a](section 5)

HIV / AIDS

5.42 The WHO's Country Health Information Profile on Vietnam, accessed on 4 February 2005, recorded that "The spread of HIV/AIDS is becoming a serious problem. The number of officially reported cases of HIV infections by March 2002 was 46 045 while the cumulative number of people diagnosed with AIDS had reached 6 672." [11a](p2)

5.43 The same source stated that the government has made limiting HIV infection and managing the impact of AIDS on the community by all possible means one of its national health priorities. One of the ways in which it aimed to achieve this was by developing the pharmaceutical industry and supplies of drugs and medical equipment. [11a](p3)

5.44 The USSD Report 2004 noted that "There was no evidence of official discrimination against persons with HIV/AIDS; however, there remains substantial societal discrimination against persons with HIV/AIDS." [2a](section 5)

Tuberculosis (TB)

5.45 The Stop TB Partnership's website, accessed on 4 February 2005, stated that there are estimated to be approximately 147,000 new cases of TB and 20,000 deaths from TB in Vietnam every year. The same source reported that short course chemotherapy presently covers 99.8% of the population, with a success rate of 87-90%, and that a World Bank loan has secured drug

supplies for a period of five years. The Stop TB Partnership also stated that Vietnam has achieved outstanding success in fighting TB. [12]

Educational System

5.46 As noted by Europa 2005, "Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for up to seven years, comprising a first cycle of four years and a second cycle of three years... In 1998/99, there were 123 universities and colleges of higher education." [1](p1219)

5.47 The USSD Report 2004 recorded that "While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor." [2a](section 5) (See also Section 6.A. Employment Rights: [Child Labour](#)). The same source recorded that

"Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon classes. Some street children both in Ho Chi Minh City and Hanoi participated in night education courses. The culture's strong emphasis on education led parents who could send children to school to do so, rather than to allow them to work. The public school system includes 12 grades. Over 90 percent of children attended primary grades; however, the percentage that attended lower and upper secondary school was much lower. While secondary school enrollments have increased sharply, they were still at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas, although the Government ran a system of subsidized boarding schools through the high school level for ethnic minority students." [2a](section 5)

5.48 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2004 stated that

"Although access to higher levels of education has historically been limited, the introduction of near-universal primary education has produced high literacy rates. The Viet Nam Living Standards Survey 1997-98 found that 89% of the population aged ten years and older were literate—86% of females and 94% of males. Literacy in the urban areas (94%) is only slightly higher than in the countryside (88%). The highest literacy rate is found in the Red River Delta region, where 98% of men are literate. According to the latest World Bank estimates for 2002, 93% of the population (aged 15 years and above) was literate." [15b](p17)

5.49 The same report stated further that

"China, Indonesia, Thailand and the Philippines all have better-educated populations than Vietnam. Vietnam's school enrolment rates suffered a decline in 1987-91, particularly at secondary level, because of a budgetary squeeze that reduced the wages of teachers. This was compounded by the emergence of alternative occupations for teachers. However, the share of government current spending allocated to education rose from just under 5% in 1989 to over 16% by 1999, the level at which it has remained since. Enrolment rates have not only recovered but have risen to record levels, doubling in secondary schools and trebling in colleges. State spending is augmented by large amounts of household spending on fees, tutoring, and educational supplies, which accounted for 43% of all educational spending in 1998." [15b](p17-18)

[\[Back to contents\]](#)

6. Human Rights

6.A Human Rights Issues

General

6.1 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, stated that

"The [Vietnamese] Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation. Incidents of detention of citizens and foreign visitors, including detention for peaceful expression of political and religious views, continued." [2a](p1)

6.2 The USSD Report 2004 also noted that "The Government does not permit private, local human rights organizations to form or operate. The Government generally did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices and used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communications, and detention." [2a](section 4) On 1 March 2005 the state-run Vietnam News Agency reported that "Although recognising Viet Nam's positive progress, the US State Department's human rights report 2004

still contains partial comments on Viet Nam's human rights situation. We totally reject these inaccurate remarks." [25]

6.3 As noted by Amnesty International's (AI) Annual Report of 2004 (covering events in 2003), "The civil and political rights situation did not improve in 2003. Attacks on freedom of expression and association continued throughout the year. Members of a 'democracy group' faced arrest, unfair trial and lengthy prison sentences. In several cases, sentences were reduced on appeal in a rare move by the authorities, widely interpreted as a reaction to growing international criticism of Viet Nam's stifling of dissent." [3a](p1) The same source continued, "Access to the Central Highlands remained strictly controlled; several groups of diplomats and journalists were permitted to visit the region under close supervision." [3a](p3)

6.4 Human Rights Watch, in its World Report 2005 (covering events in 2004), stated that "Human rights conditions in Vietnam, already dismal, worsened in 2004. The government tolerates little public criticism of the Communist Party or statements calling for pluralism, democracy, or a free press. Dissidents are harassed, isolated, placed under house arrest, and in many cases, charged with crimes and imprisoned." [5a](p1) In summing up the political climate, the Foreign & Commonwealth Office (FCO) in its Country Profile on Vietnam, updated on 1 September 2004, stated that "The younger generation appears more interested in generating wealth than in politics. Finally, there is an all-pervasive and effective security apparatus, which keeps careful surveillance of the small number of dissidents. Nevertheless, partly because of the opening up of the country, there has been a considerable loosening of controls in recent years, with ordinary people able to enjoy more personal freedom." [8a](p3)

Freedom of Speech and the Media

6.5 The USSD Report 2004 noted that "The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms." [2a](section 2a) The same source reported that the Vietnamese press was able to cover issues such as official corruption. [2a](section 2a)

6.6 BBC News Online's Country Profile for Vietnam, updated on 8 January 2005, stated that

"The Communist Party of Vietnam has a strong grip on the media. The Ministry of Culture and Information manages and supervises press and broadcasting activities. The government has shut down several newspapers for violating the narrow limits on permissible reporting. Media rights organisation Reporters Without Frontiers says publications deemed to be 'bad or inaccurate' are subject to official bans.

Television is the dominant medium in Vietnam; Vietnam Television (VTV) broadcasts from Hanoi to the whole country and via satellite to the wider region. There are many provincial TV stations. The authorities restrict the viewing of foreign TV stations via satellite. Only senior officials, international hotels and foreign businesses are permitted to use satellite receiving equipment." [14a](p2-3)

6.7 As documented in the 2004 Annual Report of Reporters Without Frontiers, "Denied access to the news media, which are all state-owned, dissidents turn to the Internet to express themselves. As a result, cyber-dissidents were the main target of repression in 2003. The press meanwhile continued to modernise. Newspapers that were more liberal were launched, but they were closely watched by the censors." [7](p1)

6.8 In its 2005 World Report, Human Rights Watch stated that

"Domestic newspapers and television and radio stations remain under strict government control... The government maintains strict control over access to the Internet. It blocks websites considered objectionable or politically sensitive and strictly bans the use of the Internet to oppose the government, 'disturb' national security and social order, or offend the 'traditional national way of life.' Decision 71, issued by the Ministry of Public Security in January 2004, requires Internet users at public cafés to provide personal information before logging on and has increased the pressure on Internet café owners to monitor customers' email messages and block access to banned websites." [5a](p1-2)

6.9 In November 2003, AI published a report detailing the relative ease with which the authorities in Vietnam could monitor people's online activities and highlighting the long prison sentences given to so-called cyber dissidents. [3b]

Journalists

6.10 The 2004 Annual Report of Reporters Without Frontiers documented various cases involving the imprisonment, physical attack and harassment of journalists. For example, "Dissident journalist Nguyen Dinh Huy was still in prison at the end of 2003. Detained since 17 November 1993, he was sentenced in April 1995 to 15 years in prison for trying to 'overthrow the people's government' and for being a founder-member of the Movement for People's Unity and Building Democracy, which has campaigned for press freedom." [7](p2-3)

6.11 The same report noted two directives issued by the Communist Party's political bureau, one of which described dissident journalists as "criminal spies." The report also stated that "The law allows the authorities to crack down on dissent and sustain a climate of fear for the journalists who work for the country's 500 or so newspapers and magazines." [7](p1)

Freedom of Religion

6.12 In its International Religious Freedom Report (IRFR) 2004, covering events from July 2003 to June 2004 and published on 15 September 2004, the US State Department (USSD) noted that “Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those publicly organized activities of religious groups that were not recognized by the Government or that it declared to be at variance with state laws and policies... In September 2004, the Secretary of State designated Vietnam as a 'Country of Particular Concern' under the International Religious Freedom Act for particularly severe violations of religious freedom.” [2b](p1-2)

6.13 As reported by the same source, the government officially recognises the following six religions:

- 1) Buddhist - 9 to 40 million adherents
- 2) Catholic - 6 to 8 million adherents
- 3) Protestant - 0.5 to 1.6 million adherents
- 4) Muslim - 65,000 adherents
- 5) Hoa Hao - 1.3 to 3 million adherents
- 6) Cao Dai - 2.2 to 4 millions adherents

[2b](section I)

6.14 As noted by Christian Solidarity Worldwide (CSW) in its Country Profile for Vietnam, updated in June 2002, “The State of Vietnam declares that its national provisions on religious freedom are in conformity with international standards... However, serious limitations remain on religious communities’ freedom to worship and practice their faith without restrictions. For example, destruction of church buildings, beatings and imprisonments, forced conversions and renunciations, and prohibition of public meetings are frequent.” [9](p1) The same source continued,

“Particularly important as well is the issue of registration, as Vietnam recognises six religions only: Buddhism, Catholicism, Protestantism, Islam, Cao Dai, and Hoa Hao. In many cases, including in Protestantism and Buddhism, the majority of believers are excluded from legal recognition. Particularly egregious abuses of Vietnam’s one million Protestants are widespread. The 7-8 million Vietnamese Christians face restrictions and harassment on a day-to-day basis from security forces and local government authorities. Observers must be careful not to construe evidence of religious activity as religious freedom.” [9](p1)

6.15 As reported in the USSD’s IRFR 2004, registration issues are at the fore of most disputes between (unofficial) religious groups and the government. This is particularly so in the case of the Unified Buddhist Church of Vietnam (UBCV - see below, [Buddhists](#)) and unofficial Hoa Hao groups (see below, [Hoa Hao](#)). The withholding of official recognition of religious bodies is one of the means by which the government actively restricts

religious activities. [2b](section II) The USSD's Country Report on Human Rights Practices in 2004, published on 28 February 2005, stated that there were at least 22 prisoners being held for religious reasons. [2a](section 1e)

6.16 The USSD's IRFR 2004 recorded that

"The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly; however, strict restrictions on the hierarchies and clergy of religious groups remained in place. The Government maintained supervisory control of the recognized religions, in part because the Communist Party (CPV) fears that not only organized religion but any organized group outside its control or supervision may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the Government." [2b](p1)

6.17 On 18 June 2004, the government issued an Ordinance on Religion, to take effect on 15 November 2004. [17c] On 2 July 2004, Asia News criticised the new Ordinance, stating that "The newly adopted bill in fact outlaws spreading religion in ways contrary to existing laws. People in prison for example are not allowed to preside over religious ceremonies. In addition, the bill requires stricter terms and conditions for registering religious organisations and associations." [28] Various articles dated between July and September 2004 on the website of International Christian Concern also criticised the new Ordinance. [10]

6.18 The USSD's IRFR 2004 recorded that

"The ordinance reiterates citizens' right to freedom of belief, religion, and freedom not to follow a religion, and it states that violation of these freedoms is prohibited. It advises, however, that 'abuse' of freedom of belief or religion 'to undermine the country's peace, independence, and unity' is illegal and warns that religious activities must be suspended if they negatively affect the cultural traditions of the nation. The ordinance also reiterates the principle of government control and oversight of religious organizations, specifying that religious groups must be recognized by the Government and must seek approval from authorities for many activities, including the training of clergy, construction of religious facilities, preaching outside a specifically recognized facility, and evangelizing. Many activities, including promotion and transfer of clergy and annual activities of religious groups, appear to be held under the new ordinance to the lower standard of 'registration' with the Government, rather than approval." [2b](section II)

Religious Groups

Buddhists

6.19 As noted by the USSD's IRFR 2004, some estimates suggest that over half the population of Vietnam, that is more than 40 million people, are at least nominally Buddhist, with many of them practising a mixture of traditional faiths of which Buddhism is only one component. The same report stated that only about 30% of Buddhists are believed to be practising their faith regularly, with official figures much lower, at about 11%. [2b](section I)

6.20 In its 2005 World Report, Human Rights Watch stated that "Religious leaders of the banned Unified Buddhist Church of Vietnam (UBCV), which was the largest Buddhist organization in the country prior to 1975 and which does not recognize the authority of the government-controlled Vietnam Buddhist Church, face ongoing persecution." [5a](p3) The USSD's IRFR 2004 recorded that the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the UBCV. The report noted further that "Religious and organizational activities by UBCV monks are illegal." The same report noted that "The Government requires all Buddhist monks to be approved by and work under the officially recognized Buddhist organization, the Vietnam Buddhist Sangha (VBS). The Government influenced the selection of the leadership of the VBS, excluding many leaders and supporters of the pre-1975 UBCV organization." [2b](section II)

6.21 The same report stated further that

"The Government continued to oppose efforts by the unrecognized UBCV to operate independently. In early October 2003, senior monks of the UBCV held an organizational meeting without government permission at a monastery in Binh Dinh Province. Subsequent to the meeting, four leading monks of the church--Thich Tue Sy, Thich Nguyen Ly, Thich Thanh Huyen, and Thich Dong Tho -- were detained and sentenced without trial to 2 years' 'administrative detention' in their respective pagodas. Many other leading members, including Thich Vien Dinh, Thich Thien Hanh, Thich Nguyen Vuong, and Thich Thai Hoa, have been placed under conditions similar to house arrest, despite the lack of any charges against them. Patriarch Thich Huyen Quang and deputy leader Thich Quang Do have been placed under similar, house arrest-like restrictions, although the Government does not appear to be investigating its allegations of 'possession of state secrets' against them. Previously, restrictions on Thich Huyen Quang and Thich Quang Do had been lessened in early 2003, such as when Thich Huyen Quang traveled to Hanoi for medical treatment in March 2003 and met Prime Minister Phan Van Khai as well as the U.S. Ambassador. Thich Quang Do had been released from official administrative detention in June 2003." [2b](section II)

Hoa Hao

6.22 As noted by the USSD's IRFR 2004, the government officially recognises one Hoa Hao organisation. [2b](section I) However, the same report noted that many believers do not recognise or participate in the government-approved organisation, and that some religious bodies have unsuccessfully

requested official recognition of their organisations. Their activities are considered illegal by the authorities, and they sometimes experience harassment or repression as a result. [2b](section II)

6.23 The USSD's IRFR 2004 stated further that

"The Hoa Hao branch of Buddhism was founded in the southern part of the country in 1939. Hoa Hao is largely a quietist faith, emphasizing private acts of worship and devotion; it does not have a priesthood and rejects many of the ceremonial aspects of mainstream Buddhism. According to the Office of Religious Affairs, there are 1.3 million Hoa Hao followers; affiliated expatriate groups estimate that there may be up to 3 million followers. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and military, as well as a religious, force before 1975... The Government recognized Hoa Hao Administrative Committee was organized in 1999." [2b](section I)

6.24 The same report noted that the Hoa Hao have been allowed to hold large public gatherings. [2b](section II) However, it also recorded that

"The Hoa Hao have faced some restrictions on their religious and political activities since 1975, in part because of their previous armed opposition to the Communist forces. After 1975 all administrative offices, places of worship, and social and cultural institutions connected to the Hoa Hao faith were closed. Believers continued to practice their religion at home but the lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. In 1999, a new official Hoa Hao body, the Hoa Hao Administrative Council was formed. Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the Council, claiming that it was subservient to the Government, and demanded official recognition instead of their own Hoa Hao body, the Hoa Hao Central Buddhist Church (HHCBC). The Government turned down a group that subsequently tried to register the independent Hoa Hao organization. Some members of this group were incarcerated and remained in custody at the end of the period covered by this report." [2b](section II)

6.25 The USSD's IRFR 2004 noted that a number of leaders of the unofficial HHCBC remained in detention, including Ha Hai, its third-ranking officer, who had been sentenced to 5 years in prison in 2001 for abusing "democratic rights." In addition, Hoa Hao follower Nguyen Van Lia, was sentenced to 3 years' imprisonment in October 2003, after holding a commemoration of the disappearance of the Hoa Hao prophet. [2b](section II)

Catholics

6.26 As documented by the USSD's IRFR 2004, up to 8 million people in Vietnam are Roman Catholic. The same report stated that Catholics live

throughout the country, but the largest concentrations remain in the southern provinces around HCMC and in the provinces southeast of Hanoi. [2b](section I)

6.27 The USSD's IRFR 2004 also recorded that while the Catholic Church hierarchy remained somewhat frustrated by government restrictions, a number of clergy reported continued easing of government control over church activities in certain dioceses, including in a few churches in Hanoi and HCMC that offer English-language Masses for expatriates. However, the report stated further that

"The Catholic Church continued to face many restrictions on the training and ordination of priests, nuns, and bishops. The Government effectively maintains veto power over Vatican appointments of bishops; however, in practice it has sought to cooperate with the Church in nominations for appointment... The Catholic Church operates 6 seminaries in the country with over 800 students enrolled, as well as a new special training program for 'older' students. All students must be approved by local authorities, both for enrolling in seminary and again prior to their ordination as priests... The Church believes that the number of students being ordained is insufficient to support the growing Catholic population and has indicated it would like to open additional seminaries and enroll new classes every year in at least some of its seminaries." [2b](section II)

6.28 The USSD's IRFR 2004 also noted that "In some areas, especially in the south, Catholic priests and nuns operated kindergartens, orphanages, vocational training centers, and clinics, and engaged in a variety of other humanitarian projects. In HCMC the Catholic Church is involved in running HIV/AIDS hospices and treatment centers, and providing counseling to young persons." [2b](section II)

Protestants

6.29 As recorded by the USSD's IRFR 2004,

"There are estimates that the growth of Protestant believers has been as much as 600 percent over the past decade, despite continued government restrictions on proselytizing activities. Many of these persons belong to unregistered evangelical house churches primarily in rural villages and ethnic minority areas. Based on believers' estimates, two-thirds of Protestants are members of ethnic minorities, including Hmong, Thai, and other ethnic minorities (an estimated 200,000 followers) in the Northwest Highlands, and some 350,000 members of ethnic minority groups of the Central Highlands (Ede, Jarai, Bahnar, and Koho, among others)." [2b](section I)

6.30 The report also noted that "There have been credible reports for several years that officials have continued to pressure many ethnic minority Protestants to recant their faith, usually unsuccessfully. According to credible reports, the police arbitrarily detained and sometimes beat religious believers,

particularly in the mountainous ethnic minority areas." [2b](p1) The same report cited two cases of Hmong Protestants dying at the hands of the authorities, which had been attempting to force them to renounce their beliefs. [2b](section II) However, it also stated that "Some nonrecognized Protestant groups also conduct religious services and training without noticeable restriction from the Government." [2b](section II)

6.31 In its 2005 World Report, Human Rights Watch (HRW) stated that "In the Central Highlands some ethnic minority Christians have rejected the government-controlled Evangelical Church of Vietnam and have sought to manage their own religious activities." [5a](p2) In October 2004, HRW also noted that members of the banned Mennonite church had come under increasing pressure from the government in recent years, which intensified in September 2004 with the demolition of a Mennonite chapel. [5c]

6.32 Amnesty International's (AI) Annual Report 2004 (covering events from January-December 2003) recorded that "Allegations of repression, including forced renunciations of faith in village meetings, against members of unauthorized evangelical Protestant churches, particularly in the Central Highlands, continued to emerge, despite government attempts to prevent the free flow of information." [3a](p3) (See also Section 6.B: [Montagnards](#))

Cao Dai

6.33 As documented by the USSD's IRFR 2004, Cao Dai followers make up 1.5 to 3% of the population, and the government officially recognises several Cao Dai organisations. [2b](section I) The same report stated that

"The Cao Dai religion was founded in 1926 in the southern part of the country. Official government statistics put the number of Cao Dai at 2.2 million, although Cao Dai officials routinely claim as many as 4 million adherents. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai 'Holy See' is located, and in HCMC and the Mekong Delta. There are 13 separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which represents more than half of all Cao Dai believers. The Cao Dai religion is syncretistic, combining elements of many faiths. Its basic belief system is influenced strongly by Mahayana Buddhism, although it recognizes a diverse array of persons who have conveyed divine revelation, including Siddhartha, Jesus, Lao-Tse, Confucius, and Moses... A small Cao Dai organization, the Thien Tien branch, was formally recognized in 1995. The Tay Ninh Cao Dai branch was granted legal recognition in 1997." [2b](section I)

6.34 As noted by the USSD's IRFR 2004, the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the unapproved Cao Dai groups. [2b](section II)

6.35 The same report stated further that "In 1997, a Cao Dai Management Council drew up a new constitution under government oversight... The Cao Dai Management Council has the power to control all of the affairs of the Cao

Dai faith, and thereby manages the church's operations, its hierarchy, and its clergy within the country. Independent Cao Dai officials oppose the edicts of this council as unfaithful to Cao Dai principles and traditions." [2b](section II)

Muslims

6.36 The USSD's IRFR 2004 recorded that Muslims make up 0.1 percent of the population and that the government officially recognises one Muslim organisation. [2b](section I) The Muslim Association of Vietnam is the only registered Muslim organisation in the country, but its leaders state that they are able to practice their faith, including saying daily prayers, fasting during the month of Ramadan, and teaching the Koran. [2b](section II)

6.37 The same report stated that

"Mosques serving the country's small Muslim population, estimated at 65,000 persons, operate in western An Giang province, HCMC, Hanoi, and provinces in the southern coastal part of the country. The Muslim community mainly is composed of ethnic Cham, although in HCMC and An Giang province it includes some ethnic Vietnamese and migrants originally from Malaysia, Indonesia, and India. About half of the Muslims in the country practice Sunni Islam... Approximately 50 percent of Muslims practice Bani Islam, a type of Islam unique to the ethnic Cham who live on the central coast of the country... Both groups of Muslims appear to be on cordial terms with the Government and are able to practice their faith freely." [2b](section I)

Ching Hai

6.38 The website of Ching Hai, accessed on 8 February 2005, indicates that the organisation is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). [23]

6.39 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, taking what is not offered, sexual misconduct, and the use of intoxicants. Followers are also supposed to be strict vegetarians. [23]

6.40 The website of Ching Hai also lists representatives of the cult around the world, many of them in the United States. No representatives are listed for Vietnam. [23]

Freedom of Assembly & Association

6.41 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, recorded that

“The right of assembly is restricted in law, and the Government restricted and monitored all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general, the Government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the Government restricted the right of some unregistered religious groups to gather in worship.” [2a](section 2b)

6.42 The same report stated that

“The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF [Vietnam Fatherland Front]. However, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a](section 2b)

Political Activists

6.43 As documented by the USSD Report 2004, the government continued to imprison persons for the peaceful expression of dissenting political views. It also noted that "There were no reliable estimates of the number of political prisoners, because the Government usually did not publicize such arrests, rejected the concept of political and religious prisoners, and sometimes conducted closed trials and sentencing sessions." The same report went on to state that there were at least nine prisoners known to be held for political reasons. [2a](section 1e)

6.44 The USSD Report 2004 also recorded that "The Government claimed that it did not hold any political or religious prisoners and that persons described as political or religious prisoners were convicted of violating national security laws or general criminal laws. As with the general prison population, the Government did not allow access by humanitarian organizations to political prisoners." [2a](section 1e)

6.45 In September 2002, the French-based NGO, Que Me: Action for Democracy in Vietnam, accused the Vietnamese government of “grossly violating” its citizens' civil and political rights through the coercive use of state power and the misuse of the law to justify human rights violations. [20](p2)

6.46 In its political outlook for 2005-06, the Economist Intelligence Unit's (EIU) Country Report for Vietnam, dated January 2005, stated that "(Similarly), harsh punishments for political dissidents, particularly 'cyber-dissidents', will ensure that pro-democracy movements remain stunted." [15a](p7)

6.47 On 17 February 2005, Amnesty International (AI) reported that

"Prisoner of conscience Dr Nguyen Dan Que was released on 2 February as part of an amnesty for over 8,000 prisoners to mark Tet, the Lunar New Year... Dr Nguyen Dan Que has spent 20 of the last 26 years in prison for criticizing Viet Nam's human rights record. Most recently, he was arrested in March 2003 after issuing a statement asserting that there was no freedom of information in Viet Nam... After an unfair trial, he was sentenced to two and half years' imprisonment on 29 July 2004 on charges of 'abusing democratic rights to jeopardise the interests of the state, and the legitimate rights and interests of social organizations and citizens'. He was due to be released in September 2005. Some reports suggest that since his release Dr Que is once again under surveillance by the authorities." [3d]

Employment Rights

6.48 The USSD Report 2004 stated that "Workers are not free to join or form unions of their choosing. Trade unions are controlled by the CPV. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL)." (See above, [Freedom of Assembly & Association](#)) As noted by the same report, the government generally tolerated strikes even when they failed to follow the legal framework. [2a](section 6a)

Child Labour

6.49 As documented by the USSD Report 2004, child workers are defined as workers under the age of 18 years. The same report also noted that while child labour is technically illegal, exceptions apply for certain groups aged between 15 and 18 years, while rural areas have high rates of child labour due to the need for agricultural workers. [2a](section 6d)

People Trafficking

6.50 The USSD Report 2004 recorded that "The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation was a serious problem. There were no known cases of trafficking in persons for labor during the year [2004]. While reliable statistics on the number of citizens trafficked were not available, there was evidence that the number has grown in recent years." [2a](section 5)

6.51 As noted by the US State Department's Trafficking in Persons Report 2004, published on 14 June 2004, "The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so." The report also noted the government's failure to provide evidence of increasing efforts to combat severe forms of trafficking, its weak labour export regulations which are vulnerable to abuse by unscrupulous employers to facilitate the trafficking of

Vietnamese workers, and the lack of adequate protection for victims of labour trafficking. [2c]

6.52 However, the same report acknowledged that although the government did not yet have a separate national plan of action to address trafficking, trafficking in women and children is an explicit component of the 2004-2010 National Plan of Action on Protection for Children in Special Circumstances and is also addressed in the 2000-2005 National Anti-Criminal Plan of Action. It also noted that the government had engaged neighbouring governments to combat trafficking in persons and had made increasing efforts to prosecute trafficking crimes. [2c]

6.53 The USSD Report 2004 recorded that

"During the year [2004], the Government increased its efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children. Hundreds of traffickers have been convicted and imprisoned. The Government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the framework of INTERPOL and its Asian counterpart." [2a](section 5)

6.54 The same report stated that "The country was a source for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages." The report continued, "Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. MPS [Ministry of Public Security] and UNICEF research indicated that trafficking victims can come from any part of the country, but were concentrated in certain northern and southern border provinces as well as the central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation." [2a](section 5)

Freedom of Movement

Household Registration (Ho Khau)

6.55 The USSD Report 2004 noted that the Constitution provides for freedom of movement and of residence within the country but that the government imposed some limits on freedom of movement. The report stated that

"Officially, citizens had to obtain permission to change their residence. In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. Moving without permission hampered persons in obtaining legal residence permits... Citizens are also required to

register with local police when they stay overnight in any location outside of their own homes; the Government appeared to have enforced these requirements more strictly in some districts of the Central and Northwest Highlands." [2a](section 2d)

6.56 As recorded by the US State Department's Bureau of Consular Affairs on 13 May 2003, "Every person residing in Vietnam must be listed on a household registry (ho khau), maintained by the Public Security Bureau." [2d](p6) A report by the Canadian Immigration and Refugee Board (IRB) dated 16 October 2001 noted that if individuals move from one place to another without changing their household registration, they are moving illegally, and would be unable to obtain a job or schooling for their children. [6c]

6.57 The USSD Report 2004 recorded that "Household registration and block warden systems existed for the surveillance of all citizens, but usually did not intrude on most citizens. The authorities focused on persons whom they regarded as having dissenting views, or whom they suspected of involvement in unauthorized political or religious activities." [2a](section 1f)

6.58 The Canadian IRB recorded on 16 October 2001 that people would be removed from the household registry (ho khau) if they failed to live continuously at their address for one year. Such people could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). [6c]

6.59 The same source stated further that "For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration." An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. [6c]

Identity Cards

6.60 As noted by the US State Department's International Religious Freedom Report (IRFR) 2004, published on 15 September 2004, citizens carry a national identity card, on which is indicated their religious affiliation (if this is one of the six officially recognised religions). The same report stated further that "In practice, many citizens who consider themselves religious do not indicate this on their identification card, and government statistics list them as non-religious. There are no formal prohibitions on changing one's religion. While it is possible to change the entry for religion on national identification cards, many converts may find the procedures overly cumbersome or fear government retribution." [2b](section II) (See also Section 6.A: [Freedom of Religion](#))

6.61 As noted by the US State Department's Bureau of Consular Affairs on 13 May 2003, "Vietnam has no central recorded system... Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975." [2d](p3)

Passports

6.62 The USSD Report 2004 recorded that “Citizens’ access to passports sometimes was constrained by factors such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials’ perception that an applicant did not meet program criteria, or to extort a bribe.” [2a](section 2d)

6.63 On 16 October 2001, the Canadian IRB recorded that for a Vietnamese citizen to secure a passport within Vietnam, applicants must submit the following documents:

- 1) Birth certificate
 - 2) Household registration document (ho khau)
 - 3) Government-issued ID card
 - 4) Letter of introduction for a passport, if applicable.
- [6e]

6.64 As noted by the same source, a representative of the Vietnamese Embassy in Ottawa stated that a certificate of police clearance is not required from Vietnamese citizens to obtain a passport in Vietnam. [6e]

6.65 A Vietnamese human rights activist contacted by the Canadian IRB in August 2000 stated that it was relatively easy even for dissidents to obtain a Vietnamese passport for the purposes leaving Vietnam. However, the same source stated that dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. The same source also knew of cases where people openly opposed to the regime had been allowed to return to Vietnam, although they were kept under surveillance and harassed repeatedly by the police during their visit. [6b][6a regulations translated and reproduced in full]

6.66 As recorded by the USSD Report 2004, “Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes refused to issue passports. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad.” [2a](section 2d)

6.67 As recorded in a report by the Canadian IRB dated 16 October 2001, recently expired Vietnamese passports may be renewed abroad at consular offices. In Canada, the Embassy of Vietnam requires the expired passport, two photos and, if applicable, the applicant’s landed immigrant certificate. [6d]

6.68 As noted by the US State Department’s Bureau of Consular Affairs on 13 May 2003, there are two types of standard Vietnamese passports:

- 1) The Socialist Republic of Vietnam (SRV) passport (ho chieu or giay ho chieu). SRV regulations effective 26 November 1997, abolished exit and entry permits in Vietnamese passports.

2) A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam.
[2d](p7)

6.69 The same source stated that

“Passports are generally valid for five years and are made of blue plastic-laminated paper with gilt print on the cover. Official passports are dark green, while diplomatic passports are maroon. The bearer's photo is on an inside page, with a dry impression seal and sometimes a clear plastic laminate over the photo. The issuance page shows the name stamp and 'stamp of office' of one of several issuing authorities.”
[2d](p7)

Returnees

6.70 The USSD Report 2004 recorded that

“The Government generally permitted citizens who had emigrated abroad to return to visit. Officially, the Government considers anyone born in the country to be a citizen, even if they have acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the President. However, in practice, the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The Government generally encouraged visitation by such persons, but sometimes monitored them carefully.” [2a](section 2d)

6.71 The same report stated that

“Following the April 10 [2004] protests in the Central Highlands a number of Montagnards hid in forests and rubber plantations, and some attempted to flee across the border into Cambodia... Vietnamese police attempted to block these potential refugees and reportedly crossed the border into Cambodia. The U.N. High Commissioner for Refugees (UNHCR) sought to monitor conditions in the Central Highlands without restriction to ensure the safety of returned refugees. The Government did not allow this access. Thirteen potential refugees who received UNHCR protection in Phnom Penh independently returned to Vietnam in October [2004]. According to Vietnamese authorities, the 13 returned safely to their homes. However, newspapers later printed accounts that made it clear that the 13 had been interrogated extensively by authorities upon their return.” [2a](section 2d)

6.72 Citing a Human Rights Watch report of 21 January 2003, the Canadian IRB noted on 4 February 2004 that since the beginning of 2003, more than 100 Montagnards who had tried to flee to Cambodia were forcibly returned to Vietnam, where some were arrested and beaten. The same source stated further that “More than seventy Montagnards are currently serving lengthy

prison sentences in Vietnam for participating in protests or trying to flee to Cambodia since February 2001 (HRW 21 Apr. 2003). These asylum seekers may face up to twelve years in prison for attempting to leave Vietnam illegally (ibid. 21 Jan. 2003)." [6h] (See also Section 6.B: [Montagnards](#))

6.73 On 10 February 2004, the Canadian IRB recorded that

"Regarding whether a person who left Vietnam would be able to bring her non-citizen spouse to Vietnam to live, the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam stipulates that a person who is living temporarily in Vietnam may apply for permanent residency if they are a 'spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam' (ibid. 28 Apr. 2000, Ch. 3, Art. 13). The Ordinance also states that applications for permanent residency in Vietnam should be filed at an office responsible for entry and exit under the Ministry of Police (ibid.)." [6i]

[\[Back to contents\]](#)

6.B Human Rights - Specific Groups

Ethnic Groups

6.74 As recorded by the Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2004, "Almost one in six Vietnamese comes from a minority ethnic group. These groups are disproportionately concentrated in the poorer and more remote parts of the country... Many ethnic minority people do not speak Vietnamese, especially in the more remote mountainous areas, and thus remain outside the economic and social mainstream." [15b](p7&16) Ethnologue.com, a website specialising in languages of the world, accessed in February 2005, stated that there are 54 official ethnic communities within Vietnam. [24](p1) The World Directory of Minorities (1997) noted that there are essentially three main groupings within these 54 groups:

- 1) Indigenous groups living in the central and other highlands
- 2) Non-indigenous Chinese communities
- 3) Khmer groups of the Mekong Delta area

As noted by the US State Department's International Religious Freedom Report (IRFR) 2004, published on 15 September 2004, many members of ethnic minority groups are also members of unregistered religious groups. [2b](p1) (See Section 6.A: [Religious Groups](#))

6.75 The USSD Report 2004 recorded that "Although the Government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted

ethnic minority access to some types of employment and educational opportunities." [2a](section 5) The report stated further that

"The Government continued to implement policies to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Kinh by granting preferential treatment to domestic and foreign companies that invested in highland areas. The Government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school- and middle school-levels, and offered special admission and preparatory programs as well as scholarships at the university level." [2a](section 5)

6.76 The same report stated that

"The Government resettled some ethnic minorities from inaccessible areas to locations where basic services were easier to provide; however, the resettlement sometimes diluted political and social solidarity of these groups... In August [2004], the Government announced a suspension of state-sponsored migration programs to bring settlers to the Central Highlands, and vowed to discourage spontaneous migration into the area. However, in September, provincial officials said that they were not aware of a change in migration policy. Large-scale migration of ethnic Kinh to the Central Highlands in past years led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in the Central Highlands in 2001 and during the year [2004]." [2a](section 5)

6.77 The USSD Report 2004 also stated that

"The Government continued a program to conduct classes in some local ethnic minority languages up to grade five. The Government worked with local officials to develop a local language curriculum. The Government appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern provinces. The Government broadcast radio and television programming in ethnic minority languages in some areas. The Government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread. Provincial governments implemented initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and be sensitive and receptive to ethnic minority culture and traditions." [2a](section 5)

Chinese (Hoa)

6.78 As noted by the World Directory of Minorities (1997), the Chinese are known as the Hoa - not to be confused with the Buddhist group Hoa Hao (See Section 6.A: [Hoa Hao](#)). [18](p649) The World Directory of Minorities (1997) also recorded that "The majority of ethnic Chinese today live in the south and still suffer from low-level discrimination, mainly due to fear that they might

dominate the economy again." [18](p649) The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2004 stated that

"The once sizeable ethnic Chinese community was depleted after many left Vietnam, often as 'boat people', when the government closed down private businesses in the south in 1978. The 1989 census counted 962,000 Chinese, but the figure is now estimated to be more than 1.5m. A large proportion of the inflow of remittances, estimated at close to US\$2bn a year, originates from the overseas Chinese. The Chinese business community remains vibrant, particularly in and around Ho Chi Minh City. There is a high rate of intermarriage, with 30% of Chinese marrying a non-Chinese partner." [15b](p16)

6.79 A report by the Canadian IRB, dated 26 April 2002, noted that

"The Minorities at Risk Project stated the following in its 15 September 1999 report on the Chinese in Vietnam: Since the early 1980s, the political, economic, and cultural status of the ethnic Chinese living in Vietnam has progressively improved. Efforts to reform and liberalize the economy have allowed the Hoa to reassert their dominant role in the economic arena. One report indicates that the Chinese in Ho Chi Minh City, the country's economic center, now control up to 50% of local commercial activities. Hanoi has supported the economic efforts of the ethnic Chinese in part to improve the country's economy but also as an avenue to promote foreign investment. The ethnic Chinese appear to be a bridge between the Hanoi government and overseas Chinese investors in China, Taiwan, Hong Kong, and Singapore." [6f]

6.80 The same source stated that "While the Chinese remain underrepresented in the political arena, all restrictions on their participation were officially lifted in the mid-1990s. The ethnic Chinese are referred to as Vietnamese citizens who possess the same rights and duties guaranteed to all citizens. In the cultural arena, government and private efforts have been undertaken to promote the use of Mandarin in schools and the development of a Chinese curriculum." [6f]

6.81 In its World Refugee Survey 2004, the US Committee for Refugees and Immigrants reported that at the end of 2003 some 3,000 ethnic Chinese resided in four refugee camps established in 1979 by the UN High Commissioner for Refugees (UNHCR) in Binh Duong and Binh Phuoc provinces and in Ho Chi Minh City. These refugees had arrived from Cambodia in the late 1970s and early 1980s and are considered by the Vietnamese government as Cambodians who are temporarily working and living in Vietnam. As reported by the same source, "Although the government allows the ethnic Chinese refugees living in the camps to travel anywhere in the country to work, the refugees must obtain permits from the local authorities each time they leave the camps." [21]

Hmong

6.82 As recorded by Europa Regional Surveys of the World: The Far East and Australasia 2005, the Hmong number some 750,000. [1](p1171) The USSD Report 2004 recorded that "Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their Protestant religion without official approval." [2a](section 5) (See also Section 6.A: [Protestants](#))

Montagnards

6.83 As recorded by Europa 2005, the Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. [1](p1171)

6.84 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2004 stated that "Riots in the Central Highlands in February 2001, mainly over loss of traditional lands and government intolerance of religious activities, led the administration to pay more attention to the problems of ethnic minorities. However, its efforts were not enough to prevent a repetition of demonstrations in April 2004." [15b](p7)

6.85 The USSD Report 2004 recorded that "On April 10 [2004], ethnic minorities protested in numerous locations in the Central Highlands provinces of Dak Nong, Dak Lak, and Gia Lai. In some of the protests, individuals carried clubs and threw rocks at police officers. In a number of cases, police reportedly responded to by beating [sic] and firing upon demonstrators... Credible estimates put the number of protestors killed by police at least in double digits; some international organizations report that the figures may be much higher." [2a](section 1a)

6.86 In a report dated January 2005, Human Rights Watch recorded numerous arrests of Montagnards following the April 2004 demonstrations, as well as the risks faced by those who sought to flee to neighbouring Cambodia. [5b] The website of the United Nations High Commissioner for Refugees (UNHCR), accessed in March 2005, stated that it had signed an agreement with Vietnam and Cambodia in January 2005, which settled various issues concerning UNHCR's current caseload of Montagnard refugees and asylum seekers in Cambodia. The website stated further that

"The agreement sets out the basis for resettlement and repatriation as well as specifying that returnees to Viet Nam will not be prosecuted or face discrimination... 'We decided that this agreement would focus on this group of refugees only and would not necessarily apply to members of the Montagnard minority who may flee Viet Nam in the future,' UNHCR's Director of International Protection, Erika Feller, said after the signing ceremony in Hanoi. 'However, if it works the way we hope it will work, then this agreement will be a basis for the future,' she added. The agreement calls for an expeditious resettlement for those Montagnards who wish to be resettled to third countries, and a quick return to Viet Nam for those who volunteer to be repatriated. Montagnards who neither want

to resettle in third countries nor return to Viet Nam will have one month after the determination of their refugee status to decide on either resettlement or return to Viet Nam... The Vietnamese government has given written guarantees that the returnees will not be punished, discriminated against and/or prosecuted for their illegal departure." [22]

6.87 The same source also said that in November 2004 the UNHCR had been concerned that a growing number of Montagnards had crossed into Cambodia hoping that the UNHCR could assist them in getting back their confiscated lands. When it had been made clear that this was not possible, some wanted to return to Vietnam, while others who had already been recognised as refugees overwhelmingly rejected resettlement. The report continued, "Of some 150 cases submitted for resettlement in the United States, for example, nearly three-quarters decided against going. Cambodia had consistently said that local integration was not an option for the Montagnards." [22]

6.88 The USSD Report 2004 noted that

"There were numerous credible reports that groups of Montagnards continued to flee to Cambodia to escape ethnic and religious repression in the Central Highlands. These numbers increased after the April 10 [2004] demonstrations... The Government continued to impose extra security measures in the Central Highlands, especially after the April demonstrations. There were numerous reports of Montagnards seeking to cross into Cambodia being returned to Vietnam by Vietnamese police operating on both sides of the border, sometimes followed by beatings and detentions; however, the Government continued to implement measures to address the causes of the unrest and initiate new measures as well. The Government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that some of the allocated land was poor." [2a](section 5)

6.89 In its Country Report for Vietnam dated January 2005, the EIU stated that

"In December [2004] the deputy prime minister, Pham Gia Khem, visited the Central Highlands, which is home to around 1.3m people from ethnic minorities (making up around 30% of the local population) and has been the centre of occasional mass anti-government demonstrations by ethnic groups. During the trip Mr Khem planned to study progress with government programmes to support ethnic-minority groups and quicken the pace of socio-economic development. The government's positive view of developments in the region is not clearly supported by the evidence, with poverty rates remaining higher than the national average." [15a](p13)

6.90 In its 2005 World Report, Human Rights Watch stated that "Increasing numbers of ethnic minorities, collectively known as Montagnards, appear to

be joining Tin Lanh Dega, or Dega Protestantism, which combines evangelical Christianity with elements of ethnic pride and aspirations for self-rule. Dega Protestantism is officially banned by the government." [5a](p2) (See also Section 6.A: [Protestants](#))

Others

6.91 As recorded by the website of Nhan Dan, a state-run newspaper, there are a number of other more obscure ethnic groups in Vietnam. [29]

Women

6.92 The USSD Report 2004 recorded that

"The Penal Code proscribes punishment ranging from warnings to up to 2 years' imprisonment for 'those who cruelly treat persons dependent on them;' however, the police and legal system were generally not equipped to deal with cases of domestic violence. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. Domestic violence against women reportedly was common. Hotlines for victims of domestic violence run by domestic NGOs exist in some major cities, and the Vietnam Women's Union, a mass organization guided by the CPV, introduced small projects to counter domestic violence in some areas. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce." [2a](section 5)

6.93 The same report continued,

"Under the Penal Code, it is a crime to use violence, threaten violence, take advantage of a person who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and, in some instances, sexual harassment; however, there were no known instances of prosecution for spousal rape. NGOs and party-controlled mass organizations took some steps to establish shelters for victims of abuse and trained police to deal with domestic violence." [2a](section 5)

6.94 The USSD Report 2004 noted that the work of the government-controlled Women's Union was viewed in a favourable light by international NGOs, and that in addition to operating micro-credit consumer finance programmes and other programmes to promote the advancement of women, it has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. [2a](section 5)
The USSD Report 2004 also noted that

"While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, few women competed successfully for higher status positions... Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions." [2a](section 5)

6.95 For information on female trafficking, see Section 6.A: [People Trafficking](#)

Children

6.96 The USSD Report 2004 stated that "International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation... Religious groups operated some orphanages, despite the Government's prohibition on such activities, and sent the children to public schools during the day." [2a](section 5)

6.97 In January 2003, the Committee on the Rights of the Child discussed the Vietnamese government's report of the same month on its efforts to implement the Convention on the Rights of the Child. The BBC reported its findings on 20 February 2003, and noted in its report that the Committee was gravely concerned that Vietnam's move towards a market economy was having a detrimental effect upon the children of the country. It was particularly concerned about child abuse, children involved in the sex industry, and street children. Poverty, not the lack of government desire for change, was held to be the root cause. Children from rural areas were particularly disadvantaged in this regard. [14c]

Family Planning

6.98 The USSD Report 2004 recorded that

"The Government continued to implement a family planning policy that urged families to have no more than two children; this policy emphasized exhortation rather than coercion. The Government can deny promotions and salary increases to government employees with more than two children." [2a](section 1f)

Childcare Arrangements

6.99 As reported by Reuters on 6 August 2002, the Vietnamese government announced the creation of the Ministerial Committee for Population, Family

and Children, merging two existing committees, one of which covered childcare and protection, in August 2002. [13e]

6.100 A Reuters report of 26 June 2002 noted that the orphan population of Vietnam was estimated at 124,000 out of a total population of 27.8 million children in 2002. The same source also noted that only 214 centres provided shelter for these orphans plus around 182,200 disabled children. [13d]

6.101 A Reuters report dated 15 May 2002 stated that the Vietnam Red Cross Society had registered its concern over children with HIV/AIDS being denied access to orphanages, and their exclusion from the government's policy on sponsoring orphaned or abandoned children under the age of fifteen. [13c]

6.102 As documented by Reuters in September 2001 and December 2001, foreign aid organisations have been permitted to assist in child welfare and care in Vietnam. [13a][13b]

6.103 The USSD Report 2004 noted that

"The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 timeframe." [2a](section 5)

6.104 The same report stated that "According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 21,869 street children in the country as of February 2003. Street children were vulnerable to abuse and sometimes were abused or harassed by police." The report continued,

"Widespread poverty contributed to continued child prostitution, particularly of girls, but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons. Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of sexual exploitation... Mass organizations and NGOs continued to operate limited programs to reintegrate trafficked children into society. During the year [2004], new programs designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training, as well as to supplement regional and national prevention efforts by targeting at-risk populations for similar services, started operation in the north of the country." [2a](section5)

6.105 For information on child labour and trafficking, see Section 6.A: [Child Labour](#) and [People Trafficking](#)

Homosexuals

6.106 As noted by a Reuters report dated 3 August 2003, "Outward discrimination of the kind sometimes found in Western countries is rare in Vietnam, possibly because homosexuality does not yet exist as a firm concept in Vietnam and also because a large degree of same-sex tactility is accepted as normal in Southeast Asian cultures." The same report stated that "There are no laws or regulations on homosexuality or homosexuals in Vietnam, and no mention of gays as a risk group for HIV and AIDS." [13f]

6.107 A report by Amnesty International (AI) Germany, dated 22 November 2003, stated that "Homosexuals, bisexuals and transsexuals in Vietnam are frequently victims of political persecution or social exclusion." [3c]

[\[Back to contents\]](#)

6.C Human Rights - Other Issues

Refugees

6.108 The USSD Report 2004 recorded that

"The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In July [2004], international NGOs and press reports speculated that the Government allowed more than 450 North Koreans illegally present in Vietnam to travel to South Korea. Reports from similar sources in August [2004] stated that as many as 100 North Korean refugees had been forcibly returned to China." [2a](section 2d)

6.109 In its World Refugee Survey 2004, the US Committee for Refugees and Immigrants stated that

"Vietnam hosted an estimated 16,000 refugees from Cambodia at the end of 2003. Of those, some 13,000 were ethnic Vietnamese who arrived primarily between 1993 and 1994 and were living in Mekong Delta provinces. Another 3,000 ethnic Chinese, who had arrived in the late 1970s and early 1980s, resided in four refugee camps established in 1979 by the UN High Commissioner for Refugees (UNHCR) in Binh Duong and Binh Phuoc provinces and in Ho Chi Minh City. UNHCR only considers the 3,000 ethnic Chinese--and not the 13,000 ethnic Vietnamese--to be refugees, because they view the ethnic Vietnamese as locally integrated and self-sufficient. The Vietnamese government,

however, still considers both groups as Cambodians who are temporarily working and living in Vietnam." [21]

[\[Back to contents\]](#)

Annex A: Chronology of Major Events [14b]

1945: The Viet Minh seizes power and Ho Chi Minh proclaims Vietnam's independence.

1946: In November French forces attack Viet Minh at Hai Phong. French Vietnam war begins.

1954: After attack by Viet Minh forces at Dien Bien, the French agree to a peace deal in Geneva. Vietnam is split into North and South Vietnam at the 17th Parallel.

1957 - 1963: Period of Communist insurgency in South Vietnam; American aid is increased. In 1963, the Viet Cong, the Communist guerrillas of the South, defeat units of the South Vietnamese Army (ARVN) and President Diem of the South is overthrown.

1964: Start of US offensive against North Vietnam.

1965 - 1968: Height of American involvement in Vietnam War.

1969: The US begins troop withdrawals.

1973: In March, US troop withdrawal is completed.

1975: North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.

1976: Socialist Republic of Vietnam proclaimed. Hundreds of thousands flee abroad, including many boat people.

1979: Vietnam invades Cambodia and ousts the Khmer Rouge regime of Pol Pot. In response, Chinese troops cross Vietnam's northern border. They are pushed back by Vietnamese forces. The number of boat people trying to leave Vietnam causes international concern.

1989: Vietnamese troops withdraw from Cambodia.

1994: US lifts its 30-year trade embargo.

1995: US restores full diplomatic relations with Vietnam.

2001: In December, trade with the US is fully normalised.

2002: In May, National Assembly elections return a victory for the ruling Communist Party. No opposition parties contest the poll.
In July, President Tran Duc Luong is re-appointed for a second term by the National Assembly, which also re-appoints Prime Minister Phan Van Khai for a second five-year term.

2003: In June, showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences. Several government officials are given long jail sentences.

2004: In January, Vietnam confirms first human deaths from bird flu.

2004: In June, Nam Cam, Ho Chi Minh City gangster, is executed.

Annex B: Political Organisations

Name in English	Name in Vietnamese (if known)	Abbreviation (if known)	General notes
Communist Party of Vietnam	Dang Cong San Viet Nam	CPV or DCSV	Founded in 1976; formerly the Viet Nam Workers' Party, founded in 1951; ruling party which has exercised monopoly on power since re-unification of Vietnam in 1975. General Secretary of Central Committee: Nong Duc Manh. [1](p1175 & 1209)
National Salvation	Cuu Quox		Unknown political party
Viet Nam Fatherland Front			Founded in 1930; in 1977, merged with National Front for the Liberation of South Viet Nam and Alliance of National, Democratic and

			Peace Forces in South Viet Nam to form a single front; 200 member Central Committee; President: Pham The Duet; General Secretary: Tran Van Dang. [1](p1209-1210)
Vietnam General Confederation of Labor		VGCL	Government-controlled Trade Unions movement [2a](section 6)
Vietnam Women's Union			Government-controlled body, with broad agenda to promote women's rights. [2a](section 5) Founded in 1930; 11.4 million members; President: Ha Thi Khiet. [1](p1210)

Annex C: Prominent People

Thich Quang Do	Deputy head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. [2b](section II)
Phan Van Khai	Prime Minister since 1997. [1](p1179)
Le Quang Liem	Head of the unrecognised Hoa Hao Central Buddhist Church. [2b](section II)
Tran Doc Luong	President since 1997. [1](p1179)
Nong Duc Manh	General Secretary of the CPV. [1](p1209)
Thich Huyen Quang	Head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. [2b](section II)
Dr Nguyen Dan Que	One of Vietnam's most prominent dissidents; detained on numerous occasions. [2a](sections 1e & 2a)

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